

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS  
PROJECT (“NWIRP”), a nonprofit Washington  
public benefit corporation; and YUK MAN  
MAGGIE CHENG, an individual,

Plaintiffs,

v.

WILLIAM P. BARR,<sup>1</sup> in his official capacity as  
Attorney General of the United States; et al.,

Defendants.

No. 2:17-cv-00716-RAJ

JOINT MOTION TO EXTEND STAY  
OF PROCEEDINGS

NOTE ON MOTION CALENDAR:  
**September 30, 2020**

**JOINT MOTION TO EXTEND STAY OF PROCEEDINGS IN ACCORDANCE WITH  
AMENDED SETTLEMENT AGREEMENT**

On March 28, 2019, the parties in this matter, by and through their respective counsel of  
record, moved this court for a stay of two months pursuant to the parties’ settlement agreement.

The parties sought an initial stay of proceedings until January 17, 2020, so that the United  
States Department of Justice (“DOJ”) can engage in the rulemaking process which may render  
further litigation unnecessary. In the event that a Notice of Proposed Rulemaking was not  
published within 28 days of January 17, 2020, the parties agreed to meet and confer regarding

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<sup>1</sup> William P. Barr, the Attorney General of the United States, is automatically  
substituted for Acting Attorney General Whitaker pursuant to Federal Rule of Civil Procedure  
25(d).

1 the status of the rulemaking process and whether to seek an additional stay of proceedings. The  
2 parties had agreed to provide the Court with an additional status report indicating whether they  
3 have reached an agreement to request a further stay of proceedings consistent with their  
4 agreement, or whether it is necessary to resume litigation. ECF No. 108.

5 The parties met and conferred telephonically on December 30, 2019, and January 2,  
6 2020 and agreed to seek an additional stay of 45 days, up to and including March 2, 2020, in  
7 order to facilitate the conclusion of the DOJ rulemaking process. The Court extended the stay  
8 an additional 45 days, up to and including March 2, 2020. The parties met and conferred on  
9 February 20, 2020 and agreed to seek an additional stay of 30 days, up to and including April 1,  
10 2020, while DOJ continues to engage in the rulemaking process. The Court extended the stay  
11 an additional 30 days.

12 On March 31, 2020, the parties agreed that, in light of circumstances resulting from the  
13 outbreak of Coronavirus Disease 2019 (“COVID-19”), it was appropriate to amend the  
14 settlement agreement in order to extend the “Publication Period” (the period for publication of  
15 a Notice of Proposed Rule Making) for an additional 60 days, until June 1, 2020. All  
16 remaining provisions of the settlement agreement remained in effect and unchanged. The  
17 Court extended the stay for an additional 60 days until June 1, 2020. On June 1, 2020, the  
18 parties again agreed to amend the settlement agreement in order to extend the “Publication  
19 Period” an additional 60 days, until July 31, 2020. All remaining provisions of the settlement  
20 agreement remained in effect and unchanged. The Court extended the stay for an additional 60  
21 days until July 31, 2020. On July 31, 2020, the parties met and conferred, and agreed to amend  
22 the settlement agreement to extend the “Publication Period” for an additional 60 days, up to and  
23 including September 29, 2020, in order for DOJ to continue to engage in the rulemaking  
24 process. All remaining provisions of the settlement agreement remained in effect and  
25 unchanged.

26 On September 29, 2020, the government posted the Notice of Proposed Rule Making  
27 (NPRM) on the Federal Register website for public inspection. Publication of the NPRM is

1 scheduled for September 30, 2020, with a comment period of 30 days. The parties have thus  
2 agreed to amend the settlement agreement in order to extend the "Publication Period" by one  
3 day, until September 30, 2020.

4 The settlement agreement provides that, once the NPRM is published, the parties agreed  
5 to seek a stay of proceedings for the duration of the comment period plus a four-month "Rule  
6 Enacting Period" in order to facilitate conclusion of the rule making process.

7 Consistent with the parties' agreement, the parties seek an additional stay of 151 days,  
8 up to and including February 27, 2021, to facilitate the conclusion of the rulemaking process.

9  
10 DATED: September 30, 2020.

11  
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- and -

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20 *Counsel for Defendants*

21 \* Signature authorized by email on September 30,  
22 2020

**ORDER**

IT IS SO ORDERED. Pursuant to the parties' joint motion, this matter is stayed pending rulemaking for an additional 151 days, or through February 27, 2021, at which time the parties shall submit a joint status report regarding whether a further stay of proceedings is necessary.

DATED THIS \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
HON. RICHARD A. JONES  
UNITED STATES DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

DATED this August 4, 2020

s/ Victor M. Mercado-Santana  
VICTOR M. MERCADO-SANTANA